



**STATE OF NEW HAMPSHIRE
OFFICE OF THE GOVERNOR**

CHRISTOPHER T. SUNUNU
Governor

August 22, 2018

The Honorable Andrew Wheeler
Acting Administrator
U.S. Department of Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Acting Administrator Wheeler,

As you know, tick-borne diseases are on the rise across the country. According to the Center for Disease Control, Lyme disease is now prominent in 46 states. The northeastern states, from Maine through Maryland, have the greatest concentration of ticks in the nation. And of course with ticks, comes the challenge of Lyme disease.

Recent statistics out of the CDC have shown a dramatic three-fold rise in tick- and mosquito-borne diseases, which therefore makes tick management an important consideration for municipalities, schools, parks and state governments.

In New Hampshire it is almost impossible now to find anybody who doesn't have a loved one, friend, or acquaintance with Lyme disease. It is heartbreaking to see the effects of this often times debilitating disease. In fact, a recent study highlighted in US Today found that over 1,200 suicides each year—and more 31,000 suicide attempts—are attributed to Lyme disease. The black-legged tick that carries the bacterium that causes this and its related diseases is also ravaging our cats and dogs, as well as the state's iconic moose population. This isn't just a human and animal tragedy, it's also a major economic problem to states like mine that depend upon the tourists who venture here from around the world for the unique outdoor activities that we have to offer. Similarly, the rising fear of tick-borne illness serves as a detriment to families getting outside and being active.

Given the acceleration of tick- and mosquito-borne diseases in the United States, and the crippling human, animal, and economic impact that these diseases cause, I implore the EPA to accelerate the review and registration of new tick and mosquito protection products with the potential to help states like mine better protect itself.

For example, there is a product called nootkatone currently under review by the EPA that experts, including those at the CDC, claim have a number of advantages over existing products. I am told that if the EPA completes its registration of nootkatone in the August-

September timeframe this product could be introduced commercially to state's public health departments and to the American public in time to provide benefit during next year's tick and mosquito season. I am also told that it is not unreasonable to expect the EPA to complete its registration of nootkatone in that timeframe.

I am asking the EPA to please act now and accelerate the review of nootkatone and any other products capable of helping us to reduce this dangerous onslaught of tick- and mosquito-borne diseases that are crippling our communities and our economies.

Thank you for your prompt attention to this important issue and we look forward to the agency taking action. Please contact D.J. Bettencourt, in my office at 603-271-8786 if you have any questions concerning this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris T. Sununu". The signature is fluid and cursive, with the first name "Chris" and last name "Sununu" being more prominent than the middle initial "T".

Christopher T. Sununu
Governor



11/5/2018 11:57 AM
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OFFICE OF THE
EXECUTIVE SECRETARIAT

October 26, 2018

The Honorable Elaine L. Chao
Secretary of Transportation
United States Department of Transportation
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

The Honorable Andrew Wheeler
Acting Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Madam Secretary and Acting Administrator Wheeler:

We write to express our united support for the Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule proposed by the National Highway Traffic Safety Administration and the Environmental Protection Agency, reforming the current Corporate Average Fuel Economy (CAFE) standards.¹

Our states have demonstrated that environmental preservation and free enterprise are compatible and necessarily linked. Indeed, free markets naturally reward producers for developing effective, desirable environmental innovations to meet consumer demand. Government undermines both goals when it enacts policies that pit environmental preservation against free enterprise, hindering free markets, propping-up inferior solutions, and ultimately reducing prosperity.

The CAFE standards enacted by the previous administration are a prime example of such a misguided policy. The standards create unrealistic fuel economy requirements that President Trump has accurately characterized as "industry-killing regulations."

The SAFE Vehicles Rule provides realistic fuel economy goals that will conserve energy and further protect the environment without stifling the market economy or forcing consumers' hands. Moreover, by establishing a nationwide, realistic fuel economy standard, the SAFE Vehicles Rule will make cars more affordable. No longer will manufacturers be required to spend billions of dollars to meet onerous and unnecessary emissions

¹ The proposed rule is entitled "The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021–2026 Passenger Cars and Light Trucks (SAFE Vehicles Rule)" and was published in the Federal Register on August 24, 2018 at 83 FR 42817 and 83 FR 42986.

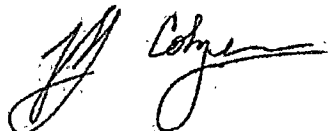
standards imposed by only one of the fifty states. Nor will manufacturers be forced to jump through duplicative regulatory hoops just to bring their cars to market. These savings will be passed on to consumers, allowing more Americans to buy new cars and to reap the benefits of the improved energy and safety features.

Although our states differ in many ways, all of our citizens benefit from free-market policies that increase prosperity. We thus write jointly to express our strong support for the proposed SAFE Vehicles Rule, and to urge the National Highway Traffic Safety Administration and the Environmental Protection Agency to adopt this rule and reform the CAFE standards.

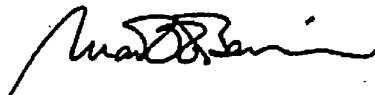
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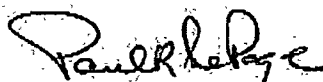
Governor Greg Abbott
Texas



Governor Jeff Colyer
Kansas



Governor Matt Bevin
Kentucky



Governor Paul R. LePage
Maine



Governor Phil Bryant
Mississippi



Governor Pete Ricketts
Nebraska



Governor Doug Burgum
North Dakota



Governor Mary Fallin
Oklahoma





Jeff Landry
Attorney General

State of Louisiana
DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
P.O. BOX 94005
BATON ROUGE
70804-9005

February 26, 2019

The Honorable Andrew Wheeler
Acting Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
Wheeler.andrew@Epa.gov

Dear Acting Administrator Wheeler:

States are on the front line of protecting the environment, public health, and the welfare of citizens within our respective borders. The cooperative federalism principles that are central to many of our nation's environmental statutes recognize the critical role states play and, when implemented appropriately, encourage partnership between states and the federal government.

Unfortunately, the cooperative federalism principles of the Clean Water Act are sometimes coopted to advance the political agendas of certain state actors. In particular, Section 401 of the Clean Water Act has been manipulated to block infrastructure projects that are in the public interest of other states and the nation generally. This tactic has been implemented to delay or to block vital oil and gas pipeline projects, coal projects, LNG terminal projects, and other fossil energy projects. The actions of individual state actors are disruptions to interstate commerce and negate the intent of providing the consistent and reliable permitting process envisioned by the Clean Water Act.

For example, in 2017, the State of New York unilaterally blocked the approximately \$500 million interstate pipeline Northern Access Project when it denied a Water Quality Certificate for the project, notwithstanding the Pennsylvania Department of Environmental Conservation's prior issuance of a Water Quality Certificate and the FERC's prior approval of the project. Similarly, in 2017, the Washington Department of Ecology opaquely denied "with prejudice" a Water Quality Certificate for another project, the Millennium Bulk Terminal, just three business days after receiving 240 pages of additional information it requested. Without these Water Quality Certificates, these projects cannot go forward regardless of their importance to the nation. Individual state actors should not be allowed to unilaterally and negatively impact the economies of multiple other states and the nation as a whole under the guise of implementing federal law.

While the cooperative federalism principles of Section 401 may can be maintained through clarification of the process by which federal and state regulatory authorities are expected to implement the law, this clarification should recognize and preserve the states' primary

responsibility over and rights concerning water quality. Congress intended Section 401 as an opportunity for states to evaluate water quality impacts from federally-permitted projects. Instruction from EPA on the respective roles of state and federal authority within the bounds intended by the statute is needed to ensure that Section 401 is used for its intended purpose to protect water quality, to minimize its potential for misuse, and to provide predictability in permitting energy infrastructure.

As Attorneys General, we support an effort by EPA to maintain cooperative federalism and the rule of law to the Section 401 process.

Sincerely,



Jeff Landry
Louisiana Attorney General



Alan Wilson
South Carolina Attorney General



Steve Marshall
Alabama Attorney General



Ken Paxton
Texas Attorney General



Tim Fox
Montana Attorney General



Patrick Morrissey
West Virginia Attorney General



Doug Peterson
Nebraska Attorney General



August 2, 2019

The Honorable Andrew Wheeler
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Wheeler,

We respectfully request that you prioritize regulatory reform clarifying that biogenic CO₂ emissions from processing and use of agricultural feedstocks (such as corn, soybeans, oilseeds and farm residues) are not pollutants subject to regulation under the federal Clean Air Act. Removal of this regulatory barrier is key to unlocking investment in the 21st century bioeconomy in rural areas across America.

The U.S. agricultural system feeds the world and provides modern day solutions in food products, bioenergy, and bioproducts like pharmaceuticals, personal care products, green chemicals, and plastics made from corn, soy, oilseeds, and other agricultural feedstocks. The agricultural sector in our states is poised to invest billions of dollars to develop the potential of the bioeconomy, if only EPA would remove the threat of unwarranted regulatory burdens.

Following its 2009 Endangerment Finding regulating fossil fuel greenhouse gases, EPA asserted that it would claim regulatory jurisdiction over CO₂ emissions from agricultural crops, which triggered permitting requirements and litigation risk that has added years to project development, rendered many promising bioeconomy projects unviable, and similar to the troublesome WOTUS rule allowed EPA to claim jurisdiction over “sustainable” farming practices on the farm field – an alarming expansion of federal intrusion into traditional state sovereignty. Moreover, EPA’s regulation of biogenic CO₂ was never supported by a proper science-based review prior to EPA announcing this expansive regulation, and EPA flatly ignored comments from the U.S. Department of Agriculture which cautioned that biogenic CO₂ was carbon neutral and could not properly be regulated as a matter of sound science.

We appreciate that you are working diligently to address regulatory barriers to economic development where certain EPA rules are unnecessary for protection of the environment. For the benefit of the citizens of our states and the bioeconomy in general, please make resolution

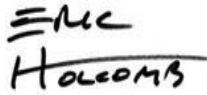
of the biogenic CO2 controversy a top priority. A resolution that would provide potential developers of the bioeconomy a stable regulatory framework for years to come would provide an environmentally appropriate boost to America's economy

Thank you for your consideration.

Sincerely,



Kim Reynolds
Governor of Iowa



Eric Holcomb
Governor of Indiana



Matt Bevin
Governor fo Kentucky



Pete Ricketts
Governor of Nebraska



Doug Burgum
Governor of North Dakota

7 January 2019
Administrator Wheeler!

Thank you again for your visit
to Montana last year. Montanans,
especially those living in the
Butte - Anaconda corridor,
appreciated your interest in
getting things done in Montana.
We hope you will return soon!
Best regards, Jim

TIM FOX
ATTORNEY GENERAL





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

December 18, 2018

The Honorable Christopher T. Sununu
Governor of New Hampshire
107 North Main Street
State House - Room 208
Concord, New Hampshire 03301

OFFICE OF THE
ADMINISTRATOR

Dear Governor Sununu:

Thank you for your Aug. 22, 2018, letter to the U.S. Environmental Protection Agency detailing the increase in vector-borne diseases like Lyme disease and the profound impact that these diseases have on humans, animals, and the economy, especially in your state of New Hampshire. In your letter, you urge the EPA to accelerate its review of the new active ingredient nootkatone, which might help reduce the incidence of these diseases.

As you are aware, the EPA currently has an action under review for nootkatone. The application has a Pesticide Registration Improvement Act (PRIA) decision due date of February 11, 2019, and the EPA is working to reach a decision by that deadline. The application, however, is for a manufacturing-use product only, the sole purpose of which is for use in the manufacturing of potential pesticide end-use (consumer) products, such as those that control or repel insects that may carry vector-borne diseases. Those consumer products would, in turn, also require federal registration.

The EPA has not received an application for a consumer product containing the active ingredient, nootkatone. Should the EPA receive an application for pesticide registration of a new consumer product containing nootkatone, that submission will be subject to the statutory review time allocated under PRIA.

Please know that the EPA views efforts to enhance control options for public health pests to be a high priority and will work as expeditiously as possible to complete the regulatory review process on any applications submitted for registration and issue a decision within the designated time allotted under PRIA, provided that those products meet the Federal Insecticide, Fungicide, and Rodenticide Act standard for registration.

Again, thank you for your letter. If you have further questions or concerns, please contact me or your staff may contact Troy Lyons, Associate Administrator for Congressional and Intergovernmental Relations, at (202) 564-5200 or Lyons.Troy@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew R. Wheeler".

Andrew R. Wheeler
Acting Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

December 18, 2018

OFFICE OF THE
ADMINISTRATOR

The Honorable Matthew G. Bevin
Governor of Kentucky
700 Capitol Avenue, Room 100
Frankfort, Kentucky 40601

Dear Governor Bevin:

Thank you for your letter, dated October 31, 2018, to U.S. Department of Transportation Secretary Elaine Chao and me, regarding the proposed Safer Affordable Fuel-Efficient (SAFE) Vehicles rule.

On August 2, 2018, the National Highway Traffic Safety Administration (NHTSA) and EPA issued a proposed rule, the SAFE Vehicles rule for Model Years 2021-2026 Passenger Cars and Light Trucks.” In that action, EPA proposed to amend certain existing greenhouse gas emissions standards for passenger cars and light trucks, and to establish new standards covering model years 2021 through 2026. The proposed rule also requested comment on a wide range of alternatives and various modifications to the overall program.

We will remain engaged with stakeholders, including auto manufacturers, parts suppliers, states, environmental, and other non-governmental groups as we work toward developing a final rule with NHTSA. We held three separate public hearings on the proposed rule in the following locations: Fresno, California; Dearborn, Michigan; and Pittsburgh, Pennsylvania where we heard testimony from more than 300 citizens and groups interested in this rule. The comment period for the proposed rule closed on October 26, and we will review all comments and information submitted to the agencies.

We appreciate your input and support on this important policy matter and have added your letter to the docket for the rulemaking, where it will be part of the public record.

Again, thank you for your letter. If you have further questions or concerns, please contact me or your staff may contact Troy Lyons, Associate Administrator for Congressional and Intergovernmental Relations at lyons.troy@epa.gov or at 202-564-5200.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew R. Wheeler", with a long horizontal flourish extending to the right.

Andrew R. Wheeler
Acting Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

April 29, 2019

THE ADMINISTRATOR

The Honorable Tim Fox
Attorney General
State of Montana
215 North Sanders Street
Helena, Montana 59601

Dear Mr. Attorney General:

I thoroughly enjoyed touring the Butte and Anaconda Superfunds sites with you and Senator Steve Daines in September 2018. As the first U.S. Environmental Protection Agency Administrator to visit in 20 years, this trip reconfirmed the EPA's commitment to cleaning up Superfund sites. It will directly improve the lives of those who reside near these sites.

It was thoughtful of you to send me copies of *Fire and Brimstone* and *The War of the Copper King*. Both look like they will be interesting reads. I thank you very much and look forward to working with you in the future.

Sincerely,

A handwritten signature in black ink, which appears to read "Andrew R. Wheeler". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Andrew R. Wheeler